

City Council Regular Meetings, January 23, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

REGULAR MEETING - 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Hahn, Wright, Rianda, Cook

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, City Attorney Savaree, Public Works Director Curtis, Community Development Director Ewing, Finance Director Fil, Interim Police Chief Mattei, Fire Chief Jewell, Parks and Recreation Director Mittelstadt, City Clerk Kern

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance as led by Scout Troop 1269, Immaculate Heart of Mary School, Troop Leader Lori Nicolopoulos.

PUBLIC/COUNCIL COMMENTS

Mr. Lawhern, 408 Hiller Street, Vice President, Sterling Downs Neighborhood Association, reported that the business on Old County Road and Mountain View that the City had been dealing with for the past five years, and was currently in litigation with, was moving. He requested that before the next tenant moved in that the Redevelopment Agency find a way to bring the site into compliance, so no further City or Redevelopment Agency resources would be needed to be spent on litigation.

City Manager Kersnar stated that he would investigate this problem and report to Council within the next two weeks.

Ms. Done and Ms. Allen, representing the Belmont Community Players, invited everyone to the the melodrama every Friday and Saturday night during February, entitled "Gunfight at High Noon" or "Dancin the Six-Shooter Two-Step". They distributed tickets to Council and invited them to attend this fun event. Ms. Allen invited anyone who was interested in helping out as waitpersons or barkeeps during the Melodrama to call her.

C. Rianda announced that Browning Ferris Industries would start their new combined recycle and garbage pickup on February 5th. She noted that the recycling service remained every other week. She reported that the annual Fall and Spring clean up days had been replaced by individual on call clean up days for residents.

C. Rianda announced that there was going to be some public information meetings regarding high speed rail. She gave the schedule to the City Clerk in case anyone needed more information.

C. Cook stated she had attended the Ralston Middle school open house and congratulated the Belmont/Redwood Shores elementary school district on the completion of the new science labs which were State of the Art.

CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Meeting of 11/28; 12/12 and 1/9, 2001.

Approval of Warrant List Dated: January 5, 2001 in total amount of \$1,386,040.54, and January 12, 2001 in total amount of \$203,545.24.

Resolution No. 8927 adopting the initial report and setting a public hearing (February 13, 2000) for vacating a portion of the right of way at 1501 Williams Street.

Resolution No. 8928 approving establishment of a Red Zone (No Parking) on the entry road to the Belmont Sports Complex at 550 Island Parkway.

Resolution No. 8929 accepting dedication of a ten foot strip of land on Sixth Avenue (APN 045-181-010) as public right-of-way in the City of Belmont, County of San Mateo, and more particularly described in exhibits "A" and "B".

Resolution No. 8930 approving a permanent Encroachment Agreement for construction of awnings within the public right-of-way at 1000 Sixth Avenue (Caprino's Restaurant) - APN 045-181-010.

Resolution No. 8931 approving an agreement for a Permanent Encroachment within the Public Right-of-Way at 2701 Prindle Road, Brick Pillar and Planter Box Wall. (Owner Mr. Khan, APN 044-251-090)

Resolution No. 8932 authorizing payment for Change Order No. 78 for an amount Not to Exceed \$201,250.00 for railroad imposed work restrictions for Time Impact Evaluation #5, Ralston/Harbor/Holly Grade Separation Project, Phase B, Kiewit Pacific Corp., City Contract No. 330B.

Motion adopting Budget Calendar FY 2001-02.

Consent Calendar adopted. Moved by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands.

OLDBUSINESS

Trench Cut Provisions and impacts on utilities.

Public Works Director Curtis reviewed the process to date and explained that he would have two speakers explain their positions on trench cut provisions: Mr. Jocson, City Engineer, Union City, would speak in favor of the Trench Cut Ordinance, and Mr. Rickett, Attorney, Pacific Gas and Electric, would give an opposing view.

Mr. Jocson, City Engineer, Union City, detailed their Trench Cut Ordinance and stated that their City had adopted this ordinance following a pavement study that showed a loss of strength in the road bed around a trench when a cut was made. Mr. Jocson stated that a fee of \$17.30 per unit ft. for repairs was charged due to the increased cost to maintain the pavement. He indicated that the City was currently being sued and could not give any further details regarding the case.

Mr. Rickett, Attorney for Pacific Gas and Electric, stated that they had expert testimony that disproved the theory that these cuts degraded the road bed if the road was properly restored. He indicated that PG&E warranted their work, so no fee was necessary. Mr. Rickett stated that PG&E felt that the franchise fees that were paid to the cities would cover any damage their excavations

would cause in the streets. He said they were not against the moratorium which would include exemptions for emergencies.

In response to C. Rianda, Mr. Rickett stated that the warranty was for the life of the pavement.

City Manager Kersnar asked if PG&E had any objection to incorporating warranty language into our trench cut ordinance. Mr. Rickett stated they would have no objection.

City Attorney Savaree reviewed the lawsuits pending throughout the State and stated that the lawsuit pending in San Francisco would not be heard until 2002. City Attorney Savaree explained that PG&E opposed both trench cut fee ordinances based on three things: 1). They contend that the pavement studies done by these cities are flawed: 2). All that is required under the current franchise agreements is to have a street brought back to previous condition: and , 3). Nothing is stated in the early franchise agreements to require impact fees, so these fees cannot be charged now. She said the San Francisco Federal Judge seemed to indicate that cities could find other ways to pay for these repairs, including raising taxes, without changing the current contracts. City Attorney Savaree stated that in the court cases she reviewed involving water districts she found one successfully litigated in Sacramento that required the street to be restored to its former state, but with a T-section repair. City Attorney Savaree said she had spoken to the San Mateo County Counsel, who indicated that they would not be moving forward until the Union City and San Francisco cases had been settled.

In response to C. Warden, City Attorney Savaree indicated that if people wanted to move forward with projects, they would pay the fee and reserve the right to challenge the fee at a later time.

Public Works Director Curtis stated that the T-section repair was incorporated into the City's street standards.

In response to C. Wright, Public Works Director Curtis stated that in the next three years Ralston, Alameda and other major streets were scheduled to be resurfaced. He said these streets would probably be scheduled to have utility- type facilities added, and he would like to provide protection for them.

In response to C. Warden, City Attorney Savaree stated that she would research whether or not a five year moratorium was legal. C. Warden stated he would rather have a five year moratorium if there was no legal challenge in the courts.

City Attorney Savaree stated that she had only noted a two to three year period for most moratoriums.

In response to C. Cook, Public Works Director Curtis stated that most of the fiber optic and phone companies that were in attendance at the meeting were in favor of this type of warranty. He said if the staff was directed to move forward with the moratorium he would work with all the utilities on forward planning on projects throughout the City.

In response to C. Rianda, Mr. Ricketts from PG&E stated that the City of Bakersfield had standard language in their Ordinance and he would provide this to City Attorney Savaree for review. He said their intention was to cover any damage that PG&E caused to the pavement.

C. Rianda stated that she was convinced that a moratorium was the tool we needed at this time until the court cases had been decided. She said she had made inquiries at the League of California

Cities policy meeting to determine the types of tools a city could put in place in lieu of an ordinance that would preserve our streets. Some of the suggestions included: 1).staff review and strengthening of trench restoration standards; 2). right-of-way management - determine which streets need to be worked on and require that they can only be worked on after 7PM and/or on weekends so as not to disrupt service to residents and the business community; and, 3).look into the possibility of a user fee or permit for using our streets. She said she would like the staff to look to see if there had been challenges to this user fee idea.

In response to C. Hahn, City Manager Kersnar explained that he thought the procedures that would be in place during the moratorium should be separate from the ordinance, so it would be an administrative process handled by the staff.

Action: on motion by C. Rianda, and seconded by C. Warden, to direct staff to develop a five year moratorium on newly surfaced streets; review trench restoration standards and make recommendations to Council; recommend a right-of-way Management Plan so the staff can control when streets would be worked on: include a Trench cut warranty and work with the utilities to develop appropriate language; and, look into the possibility of user fees for using our streets.

C. Cook requested that the staff update Council on what process would be used to address projects that were already being considered or would be given approval shortly.

C. Wright stated that he was not comfortable with a five year moratorium even though he supported the process. He said it would be very hard to determine what would happen in five years.

Action: C.Rianda amended her motion, seconded by C. Warden to direct staff to develop a three year plan.

C. Cook clarified that she would like City Attorney Savaree and the staff to report on what process would be used to allow current projects to go forward and be exempt from this ordinance.She did not intend that language be written into the ordinance.

C. Hahn and Rianda requested that staff provide definitions for user fees and franchise fees to provide some clarity on the subject.

Action: on motion by C. Rianda, seconded by C. Warden, and approved by show of hands to have staff proceed with a three year moratorium ordinance.

Report on U.S. Highway 101 Bicycle/Pedestrian Bridge.

Assistant City Engineer Jones used a graphic board to illustrate the proposed bike route through Downtown, the Caltrain station, Nesbit Elementary School and then west over the bike bridge at Highway 101 to the Belmont Sports Complex. He listed the various grants that had been received for this project and explained that the Safe Routes to School Grant provided for a design and construction of safe crossings and bikeways for the students to Downtown, the neighborhoods and to the Belmont Sports Complex. He stated that the public information meetings would be held throughout the community with the stakeholders to develop a concept for the bridge and an alignment for the bikeways. Assistant City Engineer Jones reported that the design firm T.Y. Lin International would conduct the design and environmental studies, as well as, the public meetings.

Assistant City Engineer Jones explained the various bikeway definitions: Class I bikeway - multi-use trail completely separated from any street or highway: Class II bikeway - striped lane for one-way travel on a street or highway: Class III bikeway - bike route shared use with motor vehicle traffic and is identified only by signing.

In response to Council questions, Assistant City Engineer Jones stated that there were various options to use in neighborhoods so that parking impacts were mitigated.

Council requested that the staff provide written comments from the residents at these public meetings regarding this project.

Assistant City Engineer Jones reported that the two comments that predominated at the meeting held the night before, were issues around security and loss of parking.

In response to C. Wright, Assistant City Engineer Jones stated that they had not made a determination on who would use which route, except for the route to Nesbit School. He said this route was designed to provide the safest possible route to the school for the children. He said that adults going across Highway 101 to work would use the shortest route possible, whether it was marked or not.

In response to City Manager Kersnar, Assistant City Engineer Jones stated that the main purpose for the community meetings was to design the bridge to span Highway 101.

Consideration of Resolution authorizing Community Group Funding Payment to Peninsula Policy Partnership in the amount of \$1,000.

C. Rianda provided an update regarding the actions taken at the C/CAG Meeting. She said that the vote for support of this group was 5 cities in favor and 11 against. She said there was confusion on what role C/CAG would bring to the table as a member. C. Rianda noted that she thought it was a duplication of services already provided by San Mateo Sustainable Communities which the City already supported.

Action: on motion by C.Cook, seconded by C.Wright, to adopt Resolution authorizing Community Group Funding payment to Peninsula Policy Partnership in the amount of \$1,000. The motion failed by a show of hands 2-3, (Warden, Rianda, Hahn voted no).

ADJOURNMENT at this time, being 8:55 P.M., this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting Tape recorded and televised

Tape No. 483